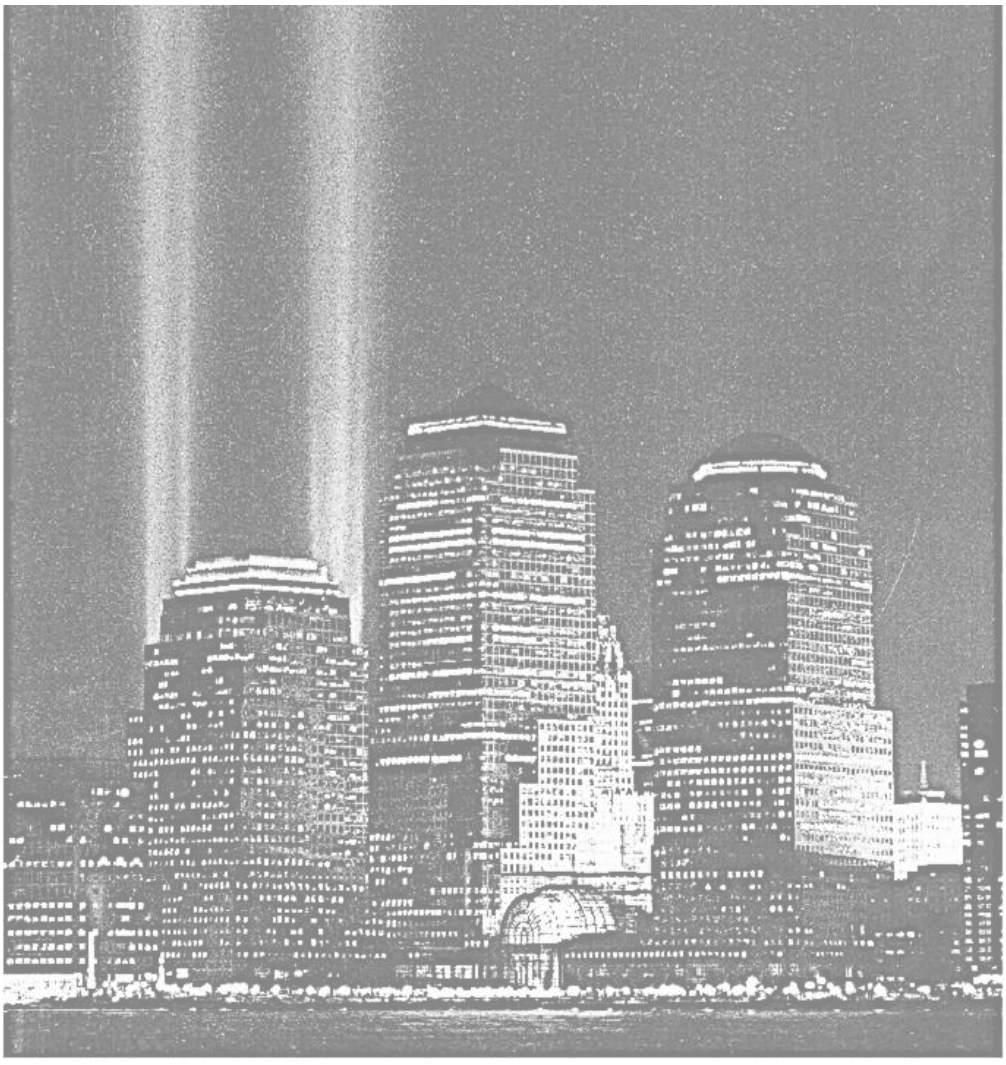
9-2021

The Cardozo Memory Project: 9/11

Cardozo Memory Collective

The Cardozo Memory Project

9/11



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Acknowledgements

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Thank you to Richard Kim, Julie Schneyer, Mary MacLeod, Nancy Kominsky, and Katherine Gillette for their assistance.

This publication is the first product of the Cardozo Memory Collective, a group of faculty and staff dedicated to gathering institutional history in anticipation of Cardozo's 50th anniversary.

The Cardozo Memory Collective

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Editor's Note

As we approach the 20th anniversary of the September 11 attacks, there is one detail that so many people seem to note—it was a beautiful day. Who could have known that, under that clear blue sky, the world was about to change forever? It was a different world then. Cell phones were not ubiquitous. There was no social media. Many times, we are not aware of history as it's happening. Only in hindsight do we know that we were living through A Moment. That was not the case on that Tuesday.

During the Summer of 2021 Associate Dean for Faculty Development Chris Buccafusco started asking what we as an institution were going to do to mark the anniversary. In the Library, we had begun to think about Cardozo's 50th anniversary, which is still years away. In the leadup to that occasion, Associate Dean for Library Services Ingrid Mattson and I began to think about how we could gather institutional history. Cardozo is still a young enough school that it is possible to speak to people who were "in the room where it happened." We assembled a group of people from the Law School, a group now referred to as the Cardozo Memory Collective, who could help guide us as we began to gather these memories.

In response to Dean Buccafusco's question about how to mark September 11, the *Cardozo Memory Project: 9/11* was born. Instead of oral history interviews, we would ask people, via a form, to submit their memories about a particular event. Initially our plan was to reach out to the alumni who were students at Cardozo so we could get an idea of what it was like at the school on that particular day and the days and weeks that followed. Soon we found out that the scope was too narrow—faculty and staff also had memories to share.

What you are about to read are the responses we received from our call for memories. There are 22 contributors. These contributors include members of the Classes of 2002, 2003, and 2004. There are faculty and staff members, some who were working at Cardozo at the time, and some who were employed elsewhere. These contributions have been very lightly edited for length and clarity and broken up to provide a narrative structure.

It would not be a law school publication without caveats. Each contributor has given permission to share their submissions. These memories are not a complete picture of events. They do not represent the views of the institution.

In addition to the memories, we have a conversation between Dean Melanie Leslie and Professor Stew Sterk, who was Interim Dean on September 11, where they discuss what it is like to lead a law school during extraordinary times. Finally, to complete this memory capsule, we are including excerpts from the Spring 2002 issue of *Cardozo Life*. The first article includes the remarks from the memorial service for two members of the Cardozo community we lost that day: Barbara Bracher Olson ’89 and Andrew Zucker ’99. The second article highlights the ways Cardozo alumni helped during September 11 and the days, weeks, and months that followed.

It is truly hard to believe the darkness that descended on us that beautiful day in September twenty years ago. However, a consistent thread throughout the memories of that day that are gathered in this publication is the community that was here at Cardozo. There is that oft quoted line from Mr. Rodgers to “look for the helpers” when there is something scary. From

the alumni to the faculty to the current students to the individuals who had yet to join us, it seemed like helpers were everywhere you looked.

Christine Anne George

Assistant Director for Faculty
& Scholarly Services
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Julie Interdonato
Adjunct Professor of Law

In September 2001, I began my third year teaching at Cardozo, and developed the habit of conducting class quite early in the morning in an effort to make the second calendar call of whatever courthouse downtown. Headed toward Cardozo via Fifth Avenue, coffee in hand, I would stop at a point appearing equidistant between the Empire State Building and the Twin Towers, gazing admiringly north and then south. It so happens, on that fateful day, there was construction taking place, which caused me to detour. I nonetheless found my position for what was to be the last time, the Towers high-polished chrome gleaming in the September morning sun.

Rockwell Reid
Class of 2004

I remember it being a beautiful Tuesday morning. I was part of the 2001 May AEP class, where I completed the first half of my 1L during the Summer (May–August), worked full-time as a paralegal at a major law firm during the Fall (2001) and Spring (2002), and then completed the second half of my 1L during the Summer of 2002.

Going to school every day in the summer [of 2001], I remember how there was a perfect shot of the WTC looking down 5th avenue when walking downtown. I grew up in New York City (Queens) all my life and worked in Manhattan during the summers. The prior summer, I worked at the World Trade Center (1 World Trade, 36th Floor), and the reason I did not go back was because I was to start Law School at Cardozo.

Peter Goodrich
Professor of Law; Director, Program in Law and Humanities

I was outside the North Tower at 8:40am and looked up to watch a passenger plane screech, line up and smash into the North Tower. A weird silence and then clatter and debris fell. It was my son Ronnie's first full day of kindergarten and he had just filed crocodile style into the School, PS 234, when the plane hit. We ran in. He was not in his classroom but we found him after some searching. His class was being read a story about frogs for the purpose of calm. We were told to stay inside but decided to leave, corralling Ronnie and heading out of the School at the precise moment that the second plane hit the South Tower. I grabbed him and we ran [. . .] Ronnie looked back over my shoulder at people jumping from the North Tower. We live just up the street and so had left without wallet or money [. . .] for the short walk to the School. Now we were exiled without ID or credit cards and our apartment was in the "Red Zone" and couldn't be accessed for the next two weeks.

Jennifer Golden
Director, Office of International Services
Yeshiva University

I think of 9/11 every time I see a pure blue sky over Manhattan. I was home on maternity leave watching the morning news on TV. I remember thinking that the day was just glorious. The sky was a perfect blue. Then I saw a small airplane on the screen. I immediately called my aunt who lived on the upper west side and asked her if she was aware of any movie filming going on. She had no idea what I was talking about and immediately tuned in.

Together we watched in horror as the plane crashed into the first tower. It was a surreal moment that I will never forget.

Matthew Maron
Class of 2004

September 11, 2001 was a Tuesday. I was in legal writing class on the fifth floor at 55 Fifth in a small, internal room, where we couldn't see outside. I remember a classmate had a two-way Motorola pager, which was very ahead of its time because you were able to get news alerts on it. He said he got a ping that a plane had hit one of the towers. At first, we thought it was just an airplane accident. But as he saw the next alert and told us about the second plane, we knew it was no accident.

Robbi Smith
Director of Externships & Field Clinics

Sitting in my office at the federal courthouse at 500 Pearl, I heard the first plane hit on 9/11. That jarring sound of the incoming plane was so loud and unmistakable, I called my husband right away and told him a plane must have crashed right outside the courts in Foley Square. I looked out my window and saw Court Officers running towards the sound of impact (a memory so symbolic of our first responders then and now). The sky was a clear, sunny blue and I had voted on my way to work that seemingly ordinary September morning.

David Rudenstine
Sheldon H. Solow Professor of Law

The memories are vivid. I was on a downtown subway when the first plane hit. I watched the flames from the corner of 6th and 12th. I was inside Cardozo when the second plane hit. I was outside the law school watching the burning towers when they fell. Words fail. Clouds of dust covered our area.

Gary J. Galperin
Adjunct Professor of Law

On September 11, 2001, I was driving to my lower Manhattan Office at One Hogan Place in the New York County District Attorney's Office where I worked as an Assistant District Attorney. In addition to the staff I supervised as a bureau chief, I was an Adjunct Professor going to meet with the eight students whom I was training in Cardozo's Prosecutor Practicum and whose field clinic orientation was underway.

Shortly after 8:45 a.m., I exited the FDR Drive onto Grand Street. All of a sudden, I saw southwest in the clear blue sky that the top of the north tower of the World Trade Center, smoke billowing, was on fire. I did not know at that point what had happened. Just as I arrived at my office, the south tower also became afire. We quickly learned that a hijacked plane had crashed into each tower and that we were under attack. I knew that I had to navigate the chaos and fear to see all my staff and students make their way home.

Burton N. Lipshie
Professor of Practice and
Director of Advocacy Skills Training

I was in Los Angeles. I had flown from a San Francisco meeting on the 10th to do a deposition program for my Los Angeles office junior litigators. At 6:00 that morning I was awakened in my hotel room by a phone call from a good friend in New York, to tell me that her son-in-law had been able to get out of the building. That was how I found out. Of course, the TV was on the rest of the day. My LA office is in the Century City "twin towers" so it was shut down for the next several days, and all I wanted to do was get home as soon as possible.

Waleed Diab
Class of 2004

I recall that I'd just started as a 1L at Cardozo a few weeks earlier. I remember walking across 12th street through the village to the office on the morning of September 11th and seeing the first plane crash pouring smoke out of the north tower of WTC. I recall that was bizarre to see, but before smart phones and social media I still didn't understand what happened and remained focused on not being late for class, having just begun law school. I got to my class and everyone was chattering as we waited for the lesson to start. We settled down for class and within 10 minutes someone rushed through the doors shouting that the second WTC had been hit and that we were under attack. Everyone scrambled to grab their things and get outside. From the street outside we watched in horror as the first building fell. I remember it all as if it were yesterday.

Lester Brickman
Professor of Law (Emeritus)

On 9/11, I had driven my wife to Mt. Sinai for her first visit since her renal transplant one week earlier [. . .]. About 30 minutes after we arrived, she was called in for her exam. About an hour later, a young man in the waiting room where I was sitting stood up and holding a transistor radio to his ear, announced that a plane had flown into the Empire State Building—shades of King Kong. After my wife completed her exam, we left the hospital, noting that it had closed its entrance and shut down, expecting mass injuries.

Sarah Jones
Class of 2002

When the first plane hit, I was in my studio apartment in the Cardozo building on East 11th doing reading for a class. I didn't know anything had happened until a classmate reached out to me. I went out onto Fifth Avenue, where I remember yellow cabs stopped with their drivers standing in the street, looking downtown where one tower was still standing and one had fallen. I then remember an hour or so later sitting at a window table at a diner on Broadway with a few classmates watching people walking up the street covered in dust and ash.

Benjamin Charkow
Class of 2003

I was a 2L at Cardozo on September 11, 2001 with a busy day ahead of me. I had my first class of the day—Corporations with Professor Yablon—at 9 a.m., and I needed to leave class early to go to an on-campus interview [. . .]. I arrived early to class and was settling in when people started saying

that a plane had flown into one of the Twin Towers. Of course that sounded crazy. So I did what most New Yorkers would do. I went outside, looked down Fifth Avenue, indeed saw a hole in one of the towers, and then went back up to class. It obviously wasn't good, but the tower was still standing and I never imagined it was an act of terror. (In fact I can't even remember if "act of terror" had entered our vernacular yet.)

Lela Love
Professor of Law; Director, Kukin Program for Conflict Resolution; Director, Cardozo Mediation Clinic

On 9/11 I saw both the planes crash into the WTC from windows near the back elevators on the 11th floor at Cardozo, as well as the buildings fall, as I stood on 5th Ave a little later. When the first plane collided, I didn't even think about terrorism. I recall going back to my work task at hand. By the second, though, it was clear. I had a daughter in Stuyvesant that day, and I tried very hard to figure out the game plan for Stuy kids (via internet, phone calls, etc. with the help of some excellent Cardozo students nearby). In the end, I walked to Stuyvesant against the foot traffic that was headed north and then pursued rumors as to where the kids were sent. In the end, I found my daughter at home (on the Upper West Side) with some other students/friends.

Barbara Kolsun
Professor of Practice;
Director, Fashion, Arts, Media &
Entertainment (FAME) Law Center

On 9/11 I was out of the country about to get on a plane back to the USA. The flight was cancelled, and I was unable to get home for several days. My husband, a psychologist and advisor to the FDNY was in Brooklyn at work when he heard the news and immediately sought to locate our children, one of whom was at the firehouse in Harlem (he is now a lieutenant with the FDNY and I am sure 9/11 had something to do with his career path) and the other was in 8th grade at the UN School on 23rd and the East River in Manhattan. [. . .] My husband was able to get on a subway from Brooklyn to midtown Manhattan where we live that night. From our window on the 45th floor of our apartment on 43rd and 9th he and our younger son watched the buildings burn and the smoke billow over the next several weeks. I was unable to reach any of them until late that night. The younger son was afraid to ask if I was on one of those planes.

Sherri L. Toub
Class of 2003

That perfectly sunny morning in September, I was a bright-eyed 2L heading to a 9 am class with Professor Yablon while mentally preparing for an OCI interview later that day, having not a care in the world other than landing the perfect Big Law summer associate job. And then the unthinkable happened, changing all of us—and the landscape of our beloved city—forever.

Randi (Szalavetz) Katz
Class of 2002

My first class of the day, Trademark Law, happened to be cancelled so I decided to sleep in. My mom called early in the morning to say something was happening in the city and to be careful. After that it was a whirlwind. I was living in the "Cardozo dorms" on 11th and 5th and we all alternated between our television sets and the corner where we had a perfect view of the Twin Towers. I remember that at one point when we were huddled at the corner watching the fires in the Towers, we all kept saying how weird it was going to be seeing the Towers with holes and fire marks. It was unconceivable to us that the Towers would ever fall.

Rockwell Reid
Class of 2004

The one class I would take during the Fall and Spring was Legal Research and Writing Class, which was scheduled on Tuesdays. I remember sitting in Legal Writing class and then my 2-way pager kept buzzing, nonstop. I finally decided to check it and there was an alert being blasted put in all CAPS noting that the WTC had been attacked. I looked up and around the class, but no one seemed to have any idea yet. I then told my classmate and good friend, Yanna, that the WTC had just been attacked, but she looked at me confused, and asked me what I was talking about, and where did I hear that. I don't recall if cell phones started to buzz, but I remember the student president bursting into the class yelling that the World Trade Center had been attacked and everyone had to leave. He ran throughout the school, opening the door to each class, yelling the same.

Benjamin Charkow
Class of 2003

The class was definitely shaken up, but Professor Yablon made a small speech at the beginning of class, telling us that in London during the Blitz (of World War II) Londoners kept calm and carried on with their daily business, and we should certainly do the same. At some point other students must have been getting text messages about the second plane hitting the other tower and there was a lot of chatter in the class, but I didn't have a cell phone back then and I had no idea what was going on until I left class early to go upstairs for my job interview.

Matthew Maron
Class of 2004

We all dashed out of class, ran down the stairs and out of the front door of the building and looked left and saw the towers on fire. I just remember the shock and disbelief of it all. I then remember beginning to walk uptown and ending up at Sutton Place (oddly which [was] the name of the bar in the neighborhood and has since closed), where they had CNN running all day, and that the only thing they were serving were cheeseburgers and Bud Lights.

Sherri L. Toub
Class of 2003

The sweet smell of coconut-flavored coffee rising from a Garden of Eden cup as I watched in what felt like slow motion as the second plane flew terrifyingly low and struck. Pleading desperately for my cell to work and then running into the Cardozo lobby to call my dad from a payphone to convince

him—and myself—that I was safe. Hearing a classmate scream that the Pentagon had been hit and feeling almost certain that life as we knew it was over. Standing on the corner of 11th and 5th in a classic navy blue skirt suit in absolute awe as the smoke cleared enough for me to see that the Twin Towers were gone.

Rockwell Reid
Class of 2004

I remember trying to call my mother, my girlfriend, and my girlfriend's mother on my cell phone, but there was no signal. At the time, Cardozo had pay phones on the floors and I managed to get to one and get through to my mother. She started crying, relieved because she knew I was downtown in New York City. But not sure where, and how close. There was a lot of commotion in the school, with everyone trying to leave, and at the same time trying to make contact with family, friends, loved ones.

Randi (Szalavetz) Katz
Class of 2002

Back up in the dorms we unfortunately saw the first Tower fall. We all then rushed to the supermarkets and around the neighborhood gathering food. We knew something awful was happening and needed to be prepared. Soon after, military tanks started to roll in and the blocks below 14th Street were being closed off.

Robbi Smith
Director of Externships & Field Clinics

The courthouse was quickly evacuated, might be another target. So, I started walking home to my apartment in the West Village, just a block from Washington Square. Two work colleagues joined me, since I had a reasonable destination. And, so many disoriented commuters were figuring out what to do. Walking north, we looked over our shoulders to see the towers in flames. Then, when each tower collapsed, an overwhelming communal gasp was audible from the street. And, the world stopped as grief descended.

Benjamin Charkow
Class of 2003

I had my interview—yes, while each tower had a plane burning inside it. (I subsequently got a “redo” interview after we all had time to process what actually occurred.)

When the interview was over, I wasn’t going to class—and no one else was either. I can’t remember if school was cancelled, or my schedule was simply free. I went out to Fifth Avenue and joined everyone else looking downtown. It was like being in a movie. Fire trucks were racing down to the scene, with us on the sidelines cheering them on. Cabbies were pulled over, standing outside of their cabs listening to the news.

Julie Interdonato
Adjunct Professor of Law

At close of class lay devastation. Outside school, I viewed in disbelief the fall of one of the towers with a dear student. “I am getting people together to pray,” he said. At Grand Central Station, conductors, whose faces I had known for decades, were holding the trains long as they could to fit as many passengers as possible for their journey home. Such was one example of innumerable gestures of humanity that New York would experience in the seemingly endless days that followed: the selflessness of the first responders, court officers, and everyday citizenry as an equal and opposite response to the barbarity of that day.

Gary J. Galperin
Adjunct Professor of Law

I instinctively reported to the office of the District Attorney, Robert M. Morgenthau, who was with a few executives watching the catastrophe unfold on T.V. I asked what I could do to help. The legendary D.A., who headed the most powerful local prosecutor's office in the nation, told me that there was nothing any of us could do and that I should get home as safely and quickly as I could. Then the north tower fell. I called my wife, at home with our infant son, and told her that I was okay and heading home.

On the streets, hundreds, if not thousands, of people were scurrying and mostly heading uptown. I could already see the looming darkness and begin to smell the after-effects of the towers' collapses less than a mile away. Driving was slow and precarious. People were everywhere—I picked up a couple of strangers and gave them rides as far as I could. I do not remember

how long it took to get to my upper Manhattan apartment. My wife, of course, was greatly relieved to see me, but her fear was palpable. My son was blissfully unaware of what was happening.

Rockwell Reid
Class of 2004

When I finally made it out [of the building], it was one of the most surreal things I had ever seen—only one of the towers standing, smoking, and a cloud of smoke where the other tower used to be. There was no obstruction of our view looking downtown 5th Avenue. I stood there with a group of students, shocked, puzzled and in complete disbelief. The next sight was certainly the most horrifying thing I've seen...the last tower standing just disintegrated from top to bottom. It didn't just fall, it disintegrated right in front of our eyes.

At that point, no one waited around to see what else would happen, and everyone started running uptown. I lived in Queens and normally would take the F train at 14th and 6th, but there were no trains running. I tried to go to 8th avenue to take the E train, but all subways were shut down. I then called my friend Bl who I worked with the previous summers, the last one of which was at the WTC, because he lived in the neighborhood on 14th between 9th and 10th. We ended up meeting up at his apartment and then just walked up and down 14th street for the next hour or two, watching TVs in store windows (there was a large electronic/appliance store on 14th between 5th and 6th), and listening to radios. After hanging out with him, I then got in touch with two of my best friends and Cardozo '04 classmates—Brooke and Mike. Brooke lived on 5th Ave between 14th and 15th, and I

went up to her apartment and the three of us just hung out for the next few hours with our eyes glued to the TV in disbelief and shock.

Benjamin Charkow
Class of 2003

This is New York. We're undefeatable. [. . .] All of the sudden the first tower collapsed in front of our eyes. It just fell straight down—it disappeared so fast. In a matter of seconds it was just gone. I don't think anyone knew what to do at that point. All I knew was that I didn't want to be at school anymore. I went up to the pay phones on the third floor and called my parents to let them know I was ok. (The cell service was all tied up—not that I had a cell phone anyway.)

I walked out the building to find a friend that lived on Waverly Place. On my way there the second tower fell. I didn't see it, but I could hear the collective sigh from Washington Square Park as it went down. I can still hear that sigh in my mind.

Matthew Maron
Class of 2004

The rest of the day was very much a blur but I remember walking back downtown to my apartment which was just a few blocks down from Cardozo and was stopped by police at 14th Street because they didn't want people going downtown as that was the initial red zone, but they eventually let me through. We had classes cancelled the rest of that week but the law school reopened the following Sunday.

Benjamin Charkow
Class of 2003

I made a plan to meet my girlfriend at a hospital so she could donate blood. (Little did anyone know there were no injured that needed blood.) By the time I met her, the line was blocks long. Waiting seemed futile, so instead we went out to lunch. We wanted to be with others in our neighborhood. Even if we didn't know them. We didn't want to be alone.

David Rudenstine
Sheldon H. Solow Professor of Law

Before leaving Cardozo, I had a brief exchange with one of our professors. I said something like: "Things will never be the same." He thought I exaggerated. Professor Eva Hanks and I walked past hundreds of people lined up on Sixth Avenue to donate blood at St. Vincent's Hospital as we headed to the West Side. By the time we got to Midtown, folks were at outside restaurant tables drinking and discussing what was happening. No one knew as the day unfolded whether bombs would explode the bridges and tunnels linking Manhattan to New Jersey, the Bronx and Brooklyn.

Randi (Szalavetz) Katz
Class of 2002

I decided to leave the city and took my friend Todd Kammerman (also Class of 2002), with me to Brooklyn. We were lucky enough to get one of the last subways out of the city and into Brooklyn. When we got off the train, it was like we were transported—people were just walking around, fishing, playing. It was surreal.

Rockwell Reid
Class of 2004

As soon as the news reported that the trains were running, I hopped on the train back to Queens. It was normally a 45 min ride from 14th street to 179th Street in Queens, but that day, it took 30 min.

Edward Zelinsky
Morris and Annie Trachman
Professor of Law

Yes, when Rudy (yes, that Rudy) announced that Grand Central was open, David [Rudenstine] announced that Prof. Zelinsky would walk up to Grand Central with whomever needed to go home that way. With a handful of students, I walked from Cardozo to 42nd street. It was truly a ghost town.

When I got to Grand Central, a very polite but frazzled MTA cop told me that all trains were stopping everywhere. I made sure that the students were boarded and then got on a four-hour train trip, standing all the way to New Haven.

When I got home, I took out the flag the Marine Corps gave my mom at my dad's funeral in 1963. It is still up in our front window.

Julie Interdonato
Adjunct Professor of Law

Later, at home, what appeared to be military planes buzzed in the darkness of the Hudson River sky, vigilant for any hint of another attack. In Manhattan, a dust of dark powder blew low to the ground of 42nd Street,

having travelled all the way from streets that bore no number. Omnipresent flyers bore the pictures and names of those deemed “missing,” posted by loved ones who likely never embraced their return.

Burton N. Lipshie
Professor of Practice and
Director of Advocacy Skills Training

My new best friends at American Airlines kept telling me that if they could get me out of LA, they could get me home. The problem was that LAX was the last airport to function again. Finally, on Saturday night, there was a flight from LAX to DFW and I could get home from there. We didn't take off until close to dawn. When we landed at DFW, all passengers had to file out, past security, and come back again, going through screening again, twice, surrounded by HUGE Texas Rangers, armed with uzis. And nothing at all could be carried on. No one spoke, at all, during the entire flight. And then, flying over New York to get to LaGuardia, we could see, out the window, the black smoke billowing out from ground zero. Lots of sobbing. Still no talking.

Lester Brickman
Professor of Law (Emeritus)

The next day, I took a walk around the neighborhood. The scene from 6th Ave. headed South. was eerie. Not a car was moving. I had an unobstructed view all the way to where the towers had stood and the flames from the crash site were clearly visible. Of equal memory was the unique smell of burning concrete (as I perceived it). Most of the smells from the burning pile, however, blew towards N.J.

Over the next few days (weeks?), I needed to show ID to cross 14th going to my apt or below. On the day of the event, trucks were brought to St. Vincent Hospital—a block from my apt. to serve as make-shift refrigerated morgues. Ambulances were lined up almost as far as the eye could see. None were needed.

Peter Goodrich
Professor of Law; Director, Program in Law and Humanities

We stayed with friends in an NYU apartment, borrowed money, bought clothes, stayed with other friends and after a week managed to sneak into Tribeca on a side street and persuade a fireman to escort us and let us briefly into our apartment. Mohammed Atta's passport was found outside our building and one of the plane engines went through the roof of our building which, being in the Red Zone and the Ground Zero could not be repaired for several months. We were out of the apartment for a little over two months and when we returned we had to show identification to soldiers before returning home in the evenings.

David Rudenstine
Sheldon H. Solow Professor of Law

Within some days, we [the Law School] opened again (we were below 14th Street), and we invited anyone who wished to post a notice on the third floor. Hundreds were posted.

Enrique Elliot Adler
Class of 2002

For some of us whose families were out of state, our classmates were the ones we were closest to during those very uncertain days. Some professors stepped up as leaders. Classes stopped and once resumed became a time to teach the moment in history we were living.

Robbi Smith
Director of Externships & Field Clinics

Returning to work a week later, the indescribable smell of smoldering ruin overpowered me. I actually wore a mask outside (something unimaginable in pre-pandemic days). Downtown still seemed frighteningly raw, but the Southern District courthouse reopened. My fellow staff attorneys at the Pro Se Office returned, as did some litigants with troubles more immediate than that burning smell. In those early days, as love and grief enveloped the city, I envied New Yorkers who lived or worked north of Union Square. It seemed that they, and the rest of the world, could escape the suffocating odor and mourn from afar.

Randi (Szalavetz) Katz
Class of 2002

Even though we were a fair distance from the Towers, the smell was unmistakable. We also lived/went to school not far from St. Vincent's Hospital. Pictures of missing people lined the streets, especially near the hospital. It was really the smell though. Classes started again but it was like we were living in an alternate universe. Slowly the "new normal" set in. An unfortunate term which has come back to life again.

Burton N. Lipshie
Professor of Practice and
Director of Advocacy Skills Training

My office is at the foot of Maiden Lane. We got re-opened pretty quickly, because we are on the same grid as the Stock Exchange, and that got opened early on. It was eerie being downtown with absolutely no vehicular traffic. It was like being on a movie set instead of the real streets. My very sharpest memory was walking out of the office the first few days we were there, together with one of my older partners, who was a concentration camp survivor. As we walked up Maiden Lane, he stopped, sniffed the air, and muttered, “I remember that smell.” There was nothing left to say.

Benjamin Charkow
Class of 2003

The next few days I don’t remember as well. Class was cancelled for a few days because school was below 14th Street (and there was no remote learning back then). I remember biking down to check it out and seeing the exclusion zones (one at 14th, the next at Canal). And when school finally started and I got back on the train, what I remember most is that it was so quiet. Like we had all just come from the same funeral.

Usually, despite being in a city of millions, we each live our own lives, with its own ups and downs. But those first few days of going back to school, it was as if the entire City had just lost the same friend.

Gary J. Galperin
Adjunct Professor of Law

In the days and weeks that followed, I attended emergency in-person meetings with other D.A. leadership (no Zooms back then!). I regularly spoke by phone with my staff and students. My criminal justice seminar at Cardozo was suspended along with other classes. One day, I walked as close as I could to "ground zero" to see what I could before being blocked by barriers and law enforcement officers. For the most part, the streets were eerily quiet. For seemingly months, I smelled debris, dust and decay, and felt the utter destruction and despair.

In time, operations at the D.A.'s Office and Cardozo returned to a new state of normalcy. America's seeming invulnerability, however, was forever shattered. The one person whom I directly knew to have perished was the Executive Director of the Port Authority who was in the "Windows on the World" restaurant at the top of the north tower when the plane struck.

Matthew Maron
Class of 2004

The rest of the semester that followed was a period of a lot of uncertainty about everything. That being said, I think having these experiences as part of the Cardozo community helped me bond with my classmates. Most significantly, the events of that horrific day gave way to some of the most enjoyable times of my life in the years leading up to graduation from Cardozo in 2004. Because of 9/11, we learned to appreciate each other and everything we had.

Daniel Biene
Class of 2002

9/11 was one of the most transformative days of my life. I was in class at Cardozo that morning. Rumors started to swirl around, class was interrupted, and we left the building. Looking down Fifth Avenue at the Twin Towers was surreal, and things became ever more surreal as the day—and the following days—progressed. To this day, I am struggling to find words to describe the effects on me as a person, or even on the world.

Barbara Kolsun
Professor of Practice;
Director, Fashion, Arts, Media & Entertainment (FAME) Law Center

At our younger son's graduation [from the UN School on 23rd and the East River in Manhattan], one of the students described that day—and fact that the 8th graders were on the roof of the school when the second plane hit. Whether this was ill advised or an appropriate strategy only time will tell.

Jocelyn Getgen Kestenbaum
Clinical Associate Professor of Law;
Director, Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic;
Faculty Director, Cardozo Law Institute in Holocaust and Human Rights

I was a Peace Corps volunteer in Ecuador, and I had never felt so torn to have been away from our country in such a time of grief, loss and need. Ultimately, I stayed and served 2 more years because I felt that at that time more than ever we needed Americans on the ground who were helping to build global community and peace in a positive and practical way. There

were many difficult conversations about the US government's place and influence around the world, and those conversations have forever impressed upon me the importance of power and politics in international law, while at the same time feeling that with such power comes great responsibility to serve.

When I eventually visited the 911 Memorial Museum I was horrified to see how that day and its aftermath was recounted and remembered in parts of the museum. As a lawyer who cares about atrocity prevention, the way we remember past atrocities is important for healing and prevention of future atrocities. We have far to go on both of these fronts.

Gabor Rona
Professor of Practice

On 9/11, I was the only American lawyer in the legal division of the ICRC, the organization mandated by the Geneva Conventions to monitor compliance with the law of armed conflict. As we gradually absorbed the extent to which the US began to institutionalize arbitrary detention, torture, and trials in violation of international due process standards, it became increasingly clear that 9/11 would have major negative and global consequences for the future of international human rights and humanitarian law.

Peter Goodrich
Professor of Law; Director, Program in Law and Humanities

I organized a conference on Nietzsche and Law the following late summer [2002] and held a party under the soubriquet Downtown Lives for the

participants including a number of continuing miscreants from Cardozo itself. The Law Review carried the papers the following year.

I have a fond memory of running into one of my students shortly after 9/11 who had said that she and some others had been talking about the limbo experienced after the attacks and wondered what their professors were doing. They decided that Goodrich was probably organizing a conference on jurisastrology or post-feminist critique. Close enough.

David Rudenstine
Sheldon H. Solow Professor of Law

In early 2002, we had an event marking the tragedy. Among the speakers was the former Solicitor General Ted Olson, whose wife, Barbara Bracher Olson, was a graduate of Cardozo and was killed in the Pentagon plane crash.

Julie Interdonato
Adjunct Professor of Law

On the 14th anniversary commemorating those who perished on 9/11, I remember reading in the newspapers, complete with multiple photographs submitted by passersby, that a rainbow had formed the day before. Appearing to emanate from the World Trade Center, its giant arch stretched high into the sky and descended in a manner that encompassed all the eye could see. It was not just any rainbow, mind you, but a picture book rainbow, an idealized rendition, fashioned so strikingly that we all might heed the message of the everlasting presence of those we deemed lost.

Sherri L. Toub
Class of 2003

Two decades later, writing this from my Financial District apartment just a stone's throw away from the reflecting pools, I am actually comforted by the fact that my memories of September 11th are as vivid as ever. While incredibly painful year in and year out to relive, they ensure that I always reflect on how we rose above on that fateful day and in the terrifying days that followed, out of a darkness that none of us could have imagined overcoming.

I will never forget the classmates with nowhere to go who came back to my dorm room, huddling on my futon watching CNN together so that none of us had to be alone. I will never forget the pride I felt to join Weil, Gotshal & Manges, a law firm that presented me with a pro bono opportunity related to the Victims Compensation Fund so that I could do my small part to help in the aftermath. I will never forget the stories I am lucky to know of hero John P. Williamson, a husband, father, and FDNY first responder who gave so unselfishly of himself to protect my fellow New Yorkers and the city I love so very much.

I will never, ever forget. I will always, forever remember.

Gary J. Galperin
Adjunct Professor of Law

I remember well my 9/11 students who are now joined, twenty years later, by my self-denominated "COVID class," and all of whom are distinguished by their resiliency and successful determination to make the best of extraordinary difficulty and tragedy. The legal legacy of 9/11 and the pandemic is part of my Criminal Justice & Society Colloquium curriculum. All shall remain indelibly as part of my—our collective—“Cardozo Memory.”

While reading through the memories from Cardozo's alumni, faculty, and staff, different themes began to emerge. Many people drew parallels to the present day, namely the global pandemic. Both moments—September 11 and COVID—presented extraordinary challenges for Cardozo. What follows is the transcript of a conversation between Dean Melanie Leslie and Professor Stew Sterk. Dean Leslie, the current Dean, has led Cardozo during COVID and was on the faculty on September 11. Professor Sterk was Interim Dean on September 11.

Dean Melanie Leslie: Most people know you as a very highly regarded professor at Cardozo for many, many years, but not everybody knows the other positions that you've held at Cardozo. What was your role at Cardozo on 9/11?

Professor Stew Sterk: Well Dean Verkuil had stepped down the previous summer and we were engaged in a Dean search at that point and since I had served as the Vice Dean during Dean Verkuil's last year, I agreed to serve as the Interim Dean, not recognizing that one of the first tasks I was going to deal with was 9/11, which arose within the first month or two that that I was serving. We had not yet selected David Rudenstine to serve as our next dean, so this horrible event occurred during the interim.

Leslie: What was your role exactly?

Sterk: I was the Interim Dean, the Associate Dean, and I was teaching full-time at the same time.

Leslie: So you had a lot on your plate. What's your first memory of that day?

Sterk: Well, I had a nine o'clock Conflicts class that morning. I heard about it probably either towards the end of class or just after class.

Leslie: Did a student tell you? Do you remember?

Sterk: I do recall that a student told me that the World Trade Center was on fire. I don't recall whether it was in class or just as I was getting out of class. I went down to 5th Ave and started looking downtown for the fire. I saw the second Tower collapse, but at that point we still were not one hundred percent sure whether this was a terrible accident or a terrorist attack. It took a little while for that to emerge. But then the next question that I had to deal with was ok, well, what do we do about classes? Until we knew it was a terrorist attack, we didn't really know whether we should cancel. Once we knew it was a terrorist attack, it was absolutely clear that we needed to cancel classes and get people home as safely as we could.

Leslie: Who was on your team that you worked with to manage this crisis on that day?

Sterk: Matt Levine was really helpful in in working this through because he was in in touch with the University officials, and, ultimately, with City officials. There was not much of a team at that point because we didn't have a Vice Dean in place and so the two of us pretty much handled the decision making.

Leslie: You canceled classes and then what?

Sterk: Well, then the question was just making sure people could get home because the subways had been shut down. I remember staying in the building until we could get as many people out and on their way home as

possible. Most people were walking to whatever transportation networks were still running. The trains were still running from Grand Central and Penn Station for people who were leaving the City. But for people who lived in the City, a lot of walking went on. But once people did leave, they couldn't come back for a substantial period of time, and there was a lot of uncertainty following the event about what would happen.

Leslie: If I recall Ground Zero, as they were calling it at that moment, was everything below 14th Street.

Sterk: Yeah, activities below 14th Street were strictly controlled. People were not allowed to come back below 14th Street, and that presented lots of challenges for us as a law school. We had the challenge first of dealing with the range of emotions that students had. Many of them were personally affected in one way or another. Many of them knew about the fact that two of our alums, Andrew Zucker and Barbara Olson, had had died in the attacks. Even if we hadn't been in Ground Zero, it wasn't as if we could open the next day or anything like that in light of the events that occurred.

Leslie: How long was school out of session? A reminder at this point for our audience, there was no ability to do online classes.

Sterk: Right.

Leslie: And so we just had to shut down. How long was the school shut down?

Sterk: I do not remember the precise number of days, but I think it was roughly two weeks that we were shut down. And the shutdown was really something that was mandated by the City, but we also had to deal with the

ABA because the ABA was not giving us any dispensations in terms of the numbers of class days we had during the semester. We had to figure out in what way we would meet the ABA requirements while still being closed for that period.

Leslie: For those who don't know, the American Bar Association regulates law schools, and has requirements for how many hours of class have to be taught in a specific semester. And are you saying that the ABA did not give lower New York law schools any relief from those rules?

Sterk: That's right, they didn't. And so what we had to do was figure out a way to create additional class days for the semester. We had Sunday classes. We also had an extension of the semester itself in order to make sure we had enough days.

Leslie: And if I remember, we added time, I think, to each class.

Sterk: We did. We did a combination of things to make sure that we complied with the with the ABA requirements—partly by adding time, partly by adding days, partly by extending the semester. And you know this was a hard thing to do in light of the emotional challenges that students were going through. It's very hard after an event like this to say, “Ok now classes are going to start. Everything is going to be normal” because life was just not normal for everyone. But at the same time, we knew that it was important to have a commemoration of the event and an occasion on which students could reflect on the pain that they felt during the event. But that's something that required planning and that didn't occur until, if I recall, January after we had a new Dean in place. We did everything we could to mark that, but the immediate challenge was trying to figure out how to bring people back when

they were still suffering. But we had to do it in order to make sure that students would end up graduating.

Leslie: Do you remember any narratives or stories from that day about particular students and how they were coping with this?

Sterk: Well, honestly, no, because our goal was to get students out of the building as quickly as possible and once that happened there wasn't really much of an opportunity to talk to individual students. I think that was more of an issue once we got back when students were clearly in trouble. I just remember Andrew Zucker was somebody who was in my office constantly before he graduated, and he had only graduated a year or so before 9/11. It was just a shock. He was a hero, but it was a personal shock that this was somebody who died in the event. He died going up and trying to rescue people.

Leslie: I don't know if everyone knows that story. How did Andrew die?

Sterk: Andrew went back up the Towers to try to get people out, and during the process of going back up the Towers—he had already made it out of the Towers—but going back up the Towers, he died when the when the building collapsed. He was absolutely a hero, but it was just shocking as a as a former teacher to have had this happen to him in that way. And, of course, Barbara Olson was one of our noted alumni, and she didn't die in the Towers, but she died in in in the one of the planes that had been hijacked. That was, I think, very traumatic for many of us in the community who knew her as well.

Leslie: You said once you knew it was a terrorist attack, you knew you had to get everybody out of the building. Were you worried that there was going to be another attack?

Sterk: Well, that was one of the problems that that we faced, right? Once it became clear that this was a terrorist attack, the question was whether Cardozo Law School, as a part of Yeshiva, was a potential target of another terrorist attack. I think that was one of the things that made it challenging to make students feel safe coming back to the Law School. We did significantly beef up security after the event, just because of the fear that we might be a target.

Leslie: How were you able to communicate with the students throughout all of this?

Sterk: There was email, but certainly nothing was as advanced as it is today. I think email was the primary method of communication. We couldn't call everybody.

Leslie: So you just had email communications with everybody?

Sterk: We were dealing with emails with the City to try to find out when we could get access to the building. It was not just students—faculty were also concerned about coming back into what had been the prohibited area. After the attack, I think a lot of people were just very concerned about what was going to happen next. And you know, over time that got better, but this was a trauma for the country. It was a trauma for most of us as individuals. So even when we did come back, it wasn't as if things were normal. It was a time when people were worried about the potential for another attack, where

they were still mourning the losses that they suffered. Remember we're talking about thousands of people who died in the attack. Relatively few people in the metropolitan area had no connection to anyone who died in the attack.

Leslie: Being in a position of a leader at a time of unimaginable crisis must have been so stressful and of course all-consuming. Did you have any time to deal with your own personal feelings or sense of loss? And what about your family? How did you deal with those conflicting demands on your time and your resources?

Sterk: From the standpoint of my family, I think they were more worried about whether I was going to be safe. My wife and my younger daughter were at home in Westchester, and that didn't seem to be a target. My other daughter was taking her junior year abroad in Florence at the time. She had worked right near Ground Zero, not in the World Trade Center, but a block away, that previous summer for an internship. It was just a shock to her not to be nearby when this happened, and so she needed reassurance from afar, in fact. But I think that was just the impact on everybody of knowing that something of this magnitude that had never happened on American soil could happen and could happen again.

Leslie: This is bringing up so many memories for me. On 9/11, I was coming into work late because my youngest was starting preschool and they wanted the parents to stay the first day in case the kids had any trouble. I remember that someone came up to us and said if you have anyone working in the World Trade Center, a plane has just hit it. We all thought it was some small plane that accidentally hit it. I tried to get to Cardozo. I had a meeting with Michael Hertz on my calendar and I couldn't figure out why there were no

trains. There were trains coming out of the City and there were no trains going into the City. Then a train that was coming out stopped and a man got off the train. He looked really disheveled. He was wearing a very nice suit, but his suit was dirty. And he stood there. Then he walked in one direction and stopped and walked in another direction and stopped. And I thought, what's going on? So then I gave up, went home, and turned on the TV just as the second Tower fell. But the memory that I had that was so hard to take was that not knowing what else to do, I went with a friend down to the nearest hospital to give blood, as a lot of people did. The lines to give blood were, you know blocks and blocks long, and then there was never any needed. Because there were not many survivors. So that's my memory of that day. I had no administrative responsibilities at the time, so I didn't have to deal with that. How did it change you, if at all, leading the school at that moment in time?

Sterk: You know, I can't say that I felt like it was a dramatic change in my professional style or anything like that as a result of the of the attacks. It was a challenge, but it was a challenge you had to deal with in the moment, and we dealt with it. I'm not sure it significantly altered the way I would deal with other challenges going forward.

Leslie: Did you see a difference in the Law School?

Sterk: Oh there is no question that there was a pall over the rest of that semester, and probably into the rest of that year. There was a sort of a sense of resignation and, to some extent, depression, among everybody in the building. We had to get through it because we really didn't have any choice. The joy that people might have about learning and teaching, I think, dissipated significantly for some period of time, and was replaced by some

element of fear. I think it takes a long time to recover from that kind of trauma, if you recover from it at all. I think that's true of individuals, but it's also true of institutions.

Leslie: Do you have any other stories over the weeks? I mean, you might have just blocked all this out, right? It would be reasonable to do, but do you have any stories about anything your interactions with particular faculty members or students?

Sterk: During that early period, there were no students to talk to, there was no one in the building. I was in contact with faculty members, some of whom were expressing real reservation about coming back into Manhattan because of fears—fears their families had for them and fears that they might have had for themselves. I think in that sense, the City did all of us a favor in preventing everybody from coming in for some period of time just because, even if it had been completely safe to come in, I don't think people were emotionally ready to come in immediately after the attacks. That's what I do remember—discussions with faculty members who had reservations about coming back, and loads of time on the telephone with Matt discussing what the City's latest edict was going be, because the City was also having difficulty figuring out how do we deal with this problem. We were also trying to figure out when we could even get into the building to prepare to reopen. That is one of the things that's different about 2001 and now—physical access was probably much more important for making preparations than it might be now when everybody is completely networked. There was a sense of when are we going to be able to get in and figure out what to do?

Leslie: Do you remember if the student organizations were meeting once everyone was back in the building, or were students just there for class and then leaving the building as soon as possible?

Sterk: I don't think we prohibited student clubs from meeting, but I think that the interest in those activities just dissipated a lot. Certainly the journals did publish. It wasn't as if student organizations were not functioning, but there was a sense in which I think people were going through the motions of we're doing and what we have to do, but most of the emotional energy was tied up with how do we deal with this? How do I process this unimaginable attack? The whole nation did that, but New York. had to cope with much more than anyone else did. And certainly by being in downtown Manhattan where you could physically see the buildings that collapsed and were no longer there, that created an emotional toll that most people didn't have to bear.

Leslie: The emotional toll kept growing, didn't it? With the concern of additional attacks and Anthrax?

Sterk: I think that's right. Once the attacks came, the notion grew that powder was going to be in the mail and that something else was going to happen. Those things might have happened earlier, and nobody would have taken them nearly as seriously. But after that attack every event now merited lots of attention. But we didn't cancel class. We had classes going on. There was a sort of "we have to march on" mentality about it. But again, it just was a different environment, a different atmosphere. Crossing the river from Brooklyn or crossing the river from New Jersey became a much bigger event than it had been beforehand and then it became later. Everybody was worried about it, because if there was another attack, there

was a reasonable sense that the likelihood might be that it would be somewhere else in Manhattan.

Leslie: I had a full course load at Cardozo and I was also teaching at NYU, and all of my classes then had extended time, starting at 8:30 in the morning. So it was an incredibly packed schedule with prepping and teaching and prepping and teaching. And my daughter's friend lost her father in the Towers, so there was a lot to deal with at home. I remember thinking that the world would never be the same. For one moment, Americans seemed united—everyone was reaching out to help and heal others. So it was a matter of coping with intense feelings, tending to the needs of others, and making sure I came through for my students. Putting one foot in front of the other, every day.

Sterk: I think part of the process of coming to terms with it at one stage was let's just soldier through it because it's too painful to do it any other way and we didn't know what else to do.

Leslie: After hearing what it was like, for you back in 2001, and thinking about leading through the last 18 months of COVID, I relate to the idea that you know every day is a different terrible problem, with no clear answer and you just make the best decisions that you can in the time that you have to make them, and you keep going—that's the only way to get through it. It's an interesting feeling when your job description completely changes in an instant. Everything that you had planned to do, and everything that you did every day is no longer relevant. And now every day is hunkering down with a few trusted people and getting as much information that you can. Like you said, Stew, the information is constantly changing. You hear one thing and then someone says "No no," and then it's three hours later and it's a different

directive from the City or a different bit of information, and you have to change your decision. You do that day after day, after day. I wish I could say something profound about it, but it's not coming to me. It's hard to be reflective about it because you're just under such intense pressure. You just put one foot in front of the other every single day. And there's really no time to reflect about your own feelings about it or to process it on an emotional level, right? Because you're taking care of other people.

Sterk: I think that's right. Not only is there no time to process it, your institutional role is to make sure that the trains run, that that the institution marches forward in a positive way that gets people what they need out of this unfortunate time. You have to make sure they still get what they need out of out of law school. And so, institutionally, your role is to help people put this behind them, not necessarily by ignoring their emotions, but by trying to deal with their emotions while also moving forward with life. Once you know that's your institutional role, you end up not processing as much of your own emotions as you might otherwise be able to.

Leslie: I agree. But luckily, you're not alone during these crises. There's value in persevering so that you can take care of other people, there is reward in that. The feeling in in knowing that you are doing your best—not perfectly, because you can't be perfect in the situation—but that you and your team are doing their best to do right by people who need you is important. And you carry that sense with you afterward, you know, knowing that you did the best that you could. If you could go back and talk to yourself at the moment it was all beginning to happen, is there something reassuring you would say?

Sterk: I don't know that there was anything reassuring about what happened, right? Because at that point you couldn't say, “Oh well, it's just one attack and it'll be over tomorrow” because nobody knew that. Nobody knew what was going to happen. There was uncertainty. I guess the point is that we have a strong community, and, to the extent we all work together, it's true that we're going to find some way to get through it. I think that's true with COVID as well. As long as there's a will for everybody to do what they can to get through it, the institution will get through and we'll personally get through it.

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From the Dean

A New Beginning

This year has been one of contrasts and upheavals for Cardozo, as I suspect it has been for most everyone. We began the year celebrating our 25th anniversary. A time for us to applaud how far we've come and how hopeful our future is. Literally days later, the horrific events of September 11 threw us all into emotional turmoil. We were personally and profoundly saddened by the deaths of two alumni and the displacement of some of our students, faculty, and alumni who live near Ground Zero. In the aftermath, we faced the challenge of incorporating the painful events into the ways we, individually and as a community, chose to move forward.

I assumed the deanship of Cardozo within weeks of 9/11. This opportunity inspires and energizes me and, because it has come at this challenging time for the Law School, New York, and the United States, it has motivated me and presented a clear mission: to make sure that our students as well as the broader public understand the critical role the rule of law has in a diverse and free society like ours. As we continue to try and make sense of what the events of the fall mean to us, our world, and to law in general, we will find ourselves looking anew at issues like civil liberties, free trade, human rights, and international tribunals—all in a new light. I expect and plan for Cardozo to make significant contributions to the national conversation about these seminal issues and oftentimes to point the way to policies and ideas that will make a difference.

In this issue of *Cardozo Life,* we remember those we lost and those who bravely assisted and volunteered in the days following September 11. We also look forward to what each of us may do to make for a better tomorrow.

David Rudenstine
Dean

"More than any of us can bear."

—Mayor Rudolph Giuliani

On January 24, 2002, Cardozo held a memorial service for two alumni who died in the tragic events of September 11. Barbara Bracher Olson graduated from Cardozo in 1989 and Andrew Zucker was in the class of 1999. Both were active and involved law students, and both loved Cardozo. As former dean Paul Verkuil noted in his opening remarks at a service that featured friends, family, and faculty who spoke for each of these special graduates, Barbara and Andrew "reflect our civilization at its best."

Reprinted here are somewhat edited remarks of three people who gave eulogies at the memorial service: One friend, one professor, and one family member.

PHOTO: RICHARD FALCO

DEAR ANDREW

Suzanne Pronesti Sherman '99
Associate, Norris, McLaughlin & Marcus

I want to thank you for everything you have taught me since I first met you on May 13, 1996. In those five and a half years, you taught me your intense power of persuasion; you taught me that being aggressive was a necessary part of our profession; and in the final moments of your life, you taught me that an attorney must have the utmost in dedication to his client, even if that meant staying awake for days on end in order to make a difference in just one client's life. You taught me that a good trial lawyer must work harder than any other attorney you could be pitted against, and most importantly, a trial attorney must be prepared. My friend, today is one appearance for which none of us could ever be prepared.

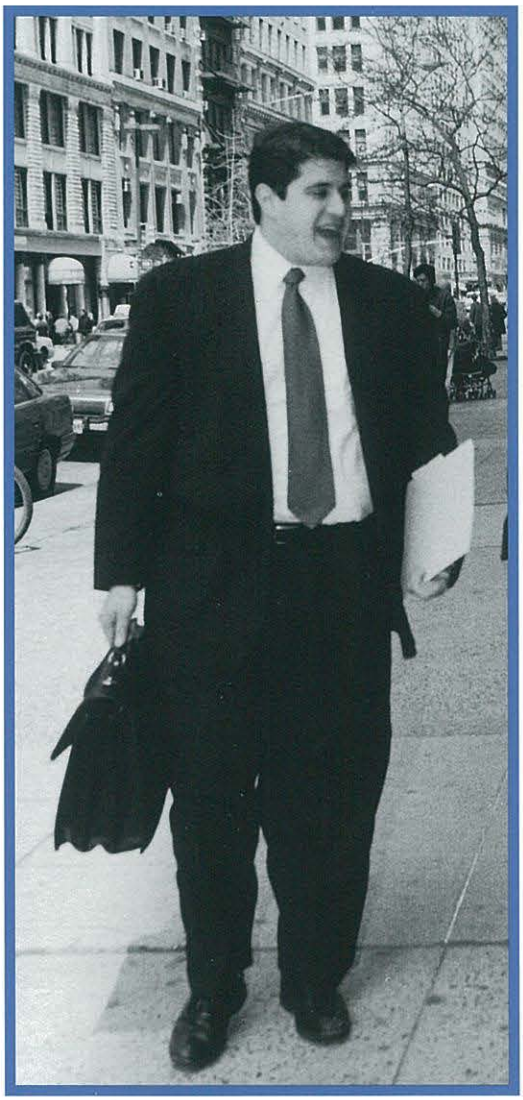
I remember the very first thing that you said to me. It was just before our first law school class, Contracts, was to begin. I was sitting in the front row, you were several rows behind with a triple extra-large coffee. (You were still drinking regular coffee back then.) I eagerly introduced myself, you told me your name (without smiling), and so sweetly asked, "Do you think you could be sitting any closer to the professor?" With that quick question, I met for the first time your to-the-point personality.

That summer—most of the time—you were the driven first-year student, preparing all of your outlines and case briefs before class, doing all of the readings. You spent your free time going to see John Grisham movies over and over so you could get motivated. And then there were those days when you did not show up for class because you claimed that you wanted to "stay at home and study."

But you always surprised me, like the time you appeared in Torts after one of these self-imposed two-week study breaks. Of course, you were called on immediately. You cleverly stated the case to the professor. "No, Professor Silver, even in the 19th century, a chair should *not* come flying out of the window of San Francisco's Saint Francis Hotel." You told him that a chair being thrown from the window of a hotel was a wrongful act, and the person throwing the chair out of the window *must* be liable for injury to those below. "The act spoke for itself," you said. You surprised us all that day and taught me one of your very intense lawyering techniques: You did not always have to shine, but when the moment counts, you have to be prepared. And at that moment, you were

better prepared than any other student. Years later, I called you from San Francisco's Union Square. I was on the sidewalk below one of the windows of the Saint Francis Hotel. We laughed and laughed at the thought of that first-year moment.

You also taught me that to be prepared for class meant you didn't have to have one study guide, you had to have *every* study guide. You spent as much time at Barnes & Noble as you did in the library. You even went so far as to call at home the editor of one of the review books that you *had to have,* asking if you could go to his house on Long Island to pick up the galleys of his book that hadn't even been published yet. Now it's too late for me to ask you if you were ever able to get that book.



Another time you called a Barnes & Noble in some midwestern state, where you found the teachers edition of our Tax textbook. You wanted to have the answers to all of the questions, so you would be prepared if asked any one of them.

The employees of the Dunkin' Donuts on the corner of 15th Street and 6th Avenue were also familiar with all of your study guides. There, over many other triple extra-large regular coffees, you taught me Civil Procedure. You explained to me a case about a plane that crashed into a million pieces, with the passengers and the pieces scattered everywhere. You told me that the important issue was determining in which jurisdiction the families of the victims could sue the airlines. I have thought about sitting in that Dunkin' Donuts with you teaching me that plane crash case many times over the last month.

You also taught me about friendship. I remember talking to you on the phone one night while riding the Third Avenue bus from 23rd to 96th Street. You were crying. Borrowing from the many lessons that you had taught me on the power of persuasion, I convinced you that after the two-day New York Bar exam, you *had* to show up and take the New Jersey Bar. I learned then that there are times when those on whom you depend for physical and emotional strength have times of weakness.

Sadly, I am realizing, whether in moments of strength or weakness, you will never call my cell phone again with news of a great offer, an exciting deposition, or how you are going to nail the cross-examination of a psychiatric expert.

I will never forget the call you made to me in the middle of the night on April 1, 2001. You had lost your baby, Abbe. You called me again. You had an emergent motion to argue the next day and couldn't let your favorite client down. So you asked me to make the court appearance for you.

Another favorite client prompted many more recent phone calls. It was a seemingly no-win case. You were representing a student who was wrongfully expelled from medical school. After your summer of sorrow, you were back. You were the hired gun. You waged a war on your adversaries, the administration of the school. You galvanized your troops—other students nationwide who believed in your cause to get this student back into school to realize his professional dreams. You orchestrated a letter-writing campaign from professors, e-mails from your client's life-long friends—thousands of character witnesses who made *all* the difference.

On September 6, I called to tell you to make sure your client knew how lucky he was to have you as his attorney. In this fight, you were at your best. You were freeing an innocent man.

On September 7, you called to tell me you had won. We celebrated your victory and sang your final praises.

On September 10, I called you during lunch. You were busy, you said, eating boxes of devil dogs and drinking tons of coffee. Now decaf. I shared a moment of professional weakness with you, and you took the time to teach me your final lesson.

"If you want to make things happen," you told me, "you have to work hard at making a change for yourself

each and every day. Do what I do." Even on your very last day, you inspired me.

When we first met, your tiny apartment was covered with printed quotes from inspirational men and legal masterminds. There was Benjamin Cardozo, and our favorite, Learned Hand. How lucky for you that you are now in heaven, where you can argue with all of these men, and try to convince them that you are right, and they are wrong. I know you will win.

In fact, I do have an enduring image of you in heaven: You are standing in the courtroom, prepared for trial. G-d is the Judge. You are making Him think. You are making Him laugh.

BARBARA OLSON: AN INTERN, AUTHOR, AND LEGEND

John O. McGinnis
Professor of Law

I knew Barbara Olson in three separate contexts. I first met her many years ago when she came to the Office of Legal Counsel (OLC) at the Department of Justice to work as an intern. Although I am now a professor at Cardozo, I had never heard of Cardozo or known anyone who had been a graduate, and thus she was my first contact with the School.

She was an excellent ambassador for Cardozo because she was a superb intern. She was eager to learn and took well, as not all interns do, to the intense editorial suggestions that she received on her drafts. She was eager for work—always pleased to undertake the last-minute research requests one got from the White House Counsel on lovely Friday afternoons. She even was able to indulge her taste for adventure, volunteering to deliver the order to close the PLO mission in New York that followed an OLC opinion that such an action was legal if authorized by the President.

But most of all she contributed her spirit to the office. One of the best things an intern can do is to renew the collective sense of wonder at the majesty of work for the public good—in this case of effectuating the rule of law throughout the often unruly executive branch. This is what made Barbara a truly great intern.

I next knew Barbara as a student legend, for when I came to Cardozo many of my colleagues wanted to talk to me about her. No doubt one connection that impelled colleagues here to describe her in my presence was that we were both conservatives. To some of my colleagues, I daresay, we were two of the handful of conservatives they knew. But they also wanted to convey to me how a student like Barbara improved their lives. They spoke of how her relentless class challenges kept them thinking and entertained. Even her activities off campus were still fondly remembered. My colleague David Carlson, once a visiting professor at Michigan, spoke of a weekend when Barbara attended a Federalist Society convention at that school and ended up in a late night poker game with such outstanding jurisprudential scholars as Robert Bork and Douglas Ginsburg.

The explicit message from my colleagues was always the same: here was a truly amazing student, intent, engaged—always with some initiative, and never, never dull. Perhaps the implicit message was that if more conservatives were like her, people would take conservatives more seriously.

Finally, I knew Barbara as a best-selling author and ubiquitous talk-show pundit. When impeachment rolled around, I myself went on one or two TV shows with Barbara, and she offered me sage advice to improve my presentations. Now I was the student and she was a fine teacher, both through instruction and by example. But she was hard to imitate because her television style was so rooted in a character that combined friendliness and, indeed, joyousness with firm conviction and resolve.

> "...here was a truly amazing student, intent, engaged—always with some initiative, and never, never dull."

Although I knew three avatars of Barbara, as intern, student legend, and pundit, one of Barbara's great virtues was that she was always the same—her own self-directed character and not a person molded and distorted by situation and circumstance. In particular, success never changed her way of dealing with people. This trait is especially rare in Washington because it is a town where human relations are often defined by status and where contacts are made in direct proportion to their usefulness. Moreover, after success in such a hierarchical place, a certain dull ponderousness can set in. But Barbara was not changed by Washington. She was the same kind, effervescent human being as an intern and as a best-selling author and TV commentator. And she still approached everyone with the openness of an engaged student. Now, of course, one cannot say that Barbara changed Washington—no one can do that—but

she created her own little oasis where individuals were, to use the Kantian phrase, treated as ends in themselves rather than means.

To remember Barbara in this way is to underscore the outrage that was perpetrated on her and thousands of others on September 11. The way terrorists treated Americans that day was the antithesis of the Kantian ideal. They used the lives of human beings simply as instruments to advance an ideology. And that ideology flows from a joyless anger that is the antithesis of Barbara's spirit. No act could be more in counterpoint with Barbara's life and being. Disagreement for her was an opportunity for human engagement rather than destruction, and those with whom one disagreed could be, and often were, friends rather than enemies.

The juxtaposition of the spirit of her life and the circumstances of her death should always remind us of what we are fighting to defend—ideals of liberty and tolerance that made Barbara's life possible. And she exemplified these ideals in so many respects—through her enthusiastic debates with intellectual sparing partners in the classroom and on TV, through her kind solicitude for those she knew regardless of status, and perhaps above all through her determination to not be dull, to shape her own life through challenges that she chose and that enriched those around her.

INNATELY AMERICAN

Theodore B. Olson
Solicitor General of the United States

Four and one-half seemingly endless months ago, on September 11, our nation was savagely attacked, thousands of our citizens were murdered and tens of thousands more lost spouses, children, parents, family members, neighbors, co-workers and friends.

This was a brutal assault on America, Americans, and American ideals. The victims of September 11 were persons of all races, backgrounds, religions, ages, and qualities. They were walking, talking, living symbols of America to the impoverished, enslaved, and persecuted people of the world who long to come to America or to live lives of freedom, democracy, and equality, and to enjoy the right to pursue happiness and prosperity.

Sadly, two of the persons so cruelly taken from us on September 11, Barbara Bracher Olson and Andrew Steven Zucker, were alumni of this wonderful law school. I did not know Mr. Zucker, but I was blessed to know, love, and be married to Barbara Olson. Let me say just a few words about her.

Many people loved and admired Barbara. But whether you loved and admired her values, her spunk, her energy, her passion, her courage, her unconquerable spirit, or her incredible warmth, whether you knew it or not, underneath it all, you admired and were captivated by Barbara, in part because she was pretty darn close to being a quintessential American.

Barbara was a Texan, from a family whose ancestors came to this country from Germany, so she was a descendant of immigrants, like virtually all of us.

Barbara went to the University of Texas and a Catholic university, St. Thomas, in Houston. She became a professional ballet dancer in San Francisco and New York because of the beauty of dance and the rigor of its discipline, and because you have to be extraordinarily tough and ambitious to do it. And Barbara was extraordinarily tough and ambitious.

> She could be charming, tough, indefatigable, ferocious, and lovable. And all those things at once.

But Barbara always wanted to be a lawyer and to be involved in government. In order to afford law school, she invented a career out of whole cloth in Hollywood because, she calculated, that was the fastest way to earn the money she needed. It did not trouble Barbara that she knew absolutely nothing about the motion picture and television industry. And, in fact, it *really didn't matter* because, as she later explained to the unwitting producer who gave her a first job, she was a "fast-learner."

And, of course, she succeeded. She turned down the last job tendered to her because they were offering too much money and she did not want to be tempted to forego her dream to be a lawyer.

She came here to Benjamin N. Cardozo School of Law at Yeshiva University, not necessarily the obvious choice for a blond Catholic girl from Texas. But she thrived at Cardozo as she had thrived at St. Thomas and in the ballet and in Hollywood. She loved Cardozo, the students, the classes, the professors, the dean.

Barbara created a Federalist Society chapter here in this hotbed of conservative legal thought. She loved to tell me how she talked the dean into allowing her to use his conference room for the first meeting, how she convinced 9th Circuit Judge Alex Kolinsky to be her first

speaker, and how she schemed to find the right kosher food to entice a respectable audience to her subversive gathering.

In her third year of law school, Barbara somehow managed to finesse herself into an internship in the Department of Justice in Washington. And, as a very brassy and gutsy intern, she managed to be the only employee of the government of the United States willing, feisty, and fearless enough to personally serve the papers on the PLO mission to the United Nations in New York announcing that it was being expelled from this country—because they were terrorists. How proud Barbara was to tell *that* story to her friends at Cardozo!

Jonathan Konovitch, Andrew Zucker's father-in-law with Theodore Olson.

After law school, she turned down jobs with the finest law firms in New York to go to Washington where, it seems, she was always destined to be. In rapid succession, she succeeded as a lawyer at Wilmer, Cutler & Pickering in private practice, as a hot and very successful federal prosecutor, as deputy general counsel and solicitor to the house of representatives, and as a top congressional investigator, television personality, and lobbyist.

It was typical of Barbara that when her publisher suggested that she write a book about Hillary Rodham Clinton, she literally jumped at the chance. She told me at the time that she wasn't sure that she was a writer, but a friend of ours told her that she didn't have to be a writer to be an author. So, with her legendary energy and limitless self-confidence, she poured herself into the book, finished it in nine months and, against seemingly insurmountable odds, without any previous experience with serious writing, climbed onto *The New York Times* best-seller list during the most competitive time of the year, and stayed there for nine weeks.

Her second book, written in about six months last year and finished just days before her death, has been in the top seven on *The New York Times* best-seller list for 13 successive weeks.

Barbara was everywhere in Washington. A witness for Clarence Thomas at his confirmation, a cofounder of the Independent Women's Forum, hosting Federalist Society members from all over the country in her home, at the epicenter of the Travel Office and Filegate investigations, the second-most invited guest ever on *Larry King Live,* appearing on MSNBC, Fox, *Meet the Press, Cross-Fire, Politically Incorrect,* you name it. Ready to talk about any subject, ready to face down any adversary. She always had an opinion. And she always had that disarming, captivating, endearing smile.

In short, Barbara partook of everything life gave her. She saw no limits in the people around her, and she accepted no limits on what she could accomplish. She could be charming, tough, indefatigable, ferocious, and lovable. And all those things at once.

Barbara was Barbara because America, unlike anyplace in the world, gave her the space, freedom, oxygen, encouragement, and inspiration to be whatever she wanted to be.

So, sadly and ironically, Barbara may have been the perfect victim for those twisted, hateful terrorists: *because she was so thoroughly and innately an American.* And such a symbol of America's values, ideals, and robust ambition. And she died as she lived. Calling for help repeatedly from her hijacked flight, fighting, believing in herself, and determined to succeed. So, if she was the perfect victim, she is also a perfect symbol of what we are fighting for now and for America's strengths, ingenuity, passion, and determination, the qualities that assure ultimate success against hatred, evil, and brutality.

I know, and Barbara knows, that her government and the people of America will win this war, however long it takes, whatever we have to do. We will prevail for Barbara Bracher Olson and Andrew Steven Zucker and all the other Americans we lost on September 11. And for the American spirit for which they stood and which their lives embodied. And, most of all, we will defeat these terrorists because Barbara and Andrew and those other American casualties of September 11, and our forebears, and our children, would never forgive us if we did not. ■

Cardozo heroes

On September 11, 2001, four terrorist attacks in the United States stunned citizens of every nation. As people around the world watched the Twin Towers collapse on television, the lives of thousands were altered forever. There were, of course, those who lost loved ones and those New Yorkers who lived or worked downtown and were directly impacted, as well as those who witnessed the day's events firsthand. There were also New Yorkers who chose to go to the scene of the crime to assist with the recovery and others who lent support and expertise in the days and weeks that followed the tragic events.

"Our alumni, like many members of the legal community, have contributed greatly since September 11," says Stewart E. Sterk, H. Bert and Ruth Mack Professor of Real Estate Law who was acting dean on that Tuesday. "It is a sign of the diversity of the institution that we have so many people who are able to serve the different needs that arose out of this tragedy," he adds.

Whether they were emergency medical technicians or police officers in their prior lives, or simply lawyers, Cardozo alumni lined up to offer their services.

By Victoria Rivkin

I wasn't a welder, I couldn't give blood, and I couldn't do physical labor in the first few days," says **Jacqueline Haberfeld '91.** "I had a skill that was useful and I had to offer it," she says. So, Ms. Haberfeld wielded her lawyering skills like the pro she is and helped families quickly obtain death certificates for their loved ones in the aftermath of the attacks.

Ms. Haberfeld, a ninth-year Weil, Gotshal & Manges litigation associate, was recovering at home from emergency surgery and watching television helplessly in her Upper West Side apartment as the morning's events unfolded. "I was sitting in bed screaming. It was incomprehensible," she remembers. "It just as easily could have been my building."

She returned to work a few days later and saw an email plea for volunteer lawyers. Attorneys were needed to put together death certificates for people who lost a family member whose body had not been recovered. Without a body, the process usually takes three years. In this situation, where most bodies would never be found, thousands of families needed a death certificate for quick access to their loved one's insurance, bank accounts, and other property.

She responded immediately. On September 26, Ms. Haberfeld arrived at Pier 94 where 80 lawyers were waiting to assist families. For three days, she worked day and night feverishly interviewing the many hundreds of people arriving at Pier 94 to fill out the necessary documents. According to Ms. Haberfeld, lawyers issued 900 death certificates in that time alone.

Ms. Haberfeld quickly became a senior expert on the job. She trained new volunteers not only in how to properly complete the paperwork, but also in how to speak with the bereaved.

Ms. Haberfeld credits the mediation training she received at Cardozo as critical, especially when meeting with families of the deceased. She describes the experience as heart wrenching and requiring a lot of diplomacy, sensitivity, and an acute ability to listen. These were the very skills that Ms. Haberfeld says she learned in the mediation clinic for minor criminal cases and as a litigator on the job.

After returning to Weil, Gotshal & Manges, Ms. Haberfeld went back to Pier 94 at night, even bringing her boyfriend to volunteer so they would be able to see each other. "I was in crisis overdrive," she says. "I put everything else out of my mind. The families needed us there and needed us to be strong."

Joseph A. Inzerillo '01, a first-year at Cadwalader, Wickersham & Taft, also went into crisis overdrive on September 11. This ex-New York City police officer was beginning his second day at his first job out of law school when he heard screaming in the firm's downstairs atrium.

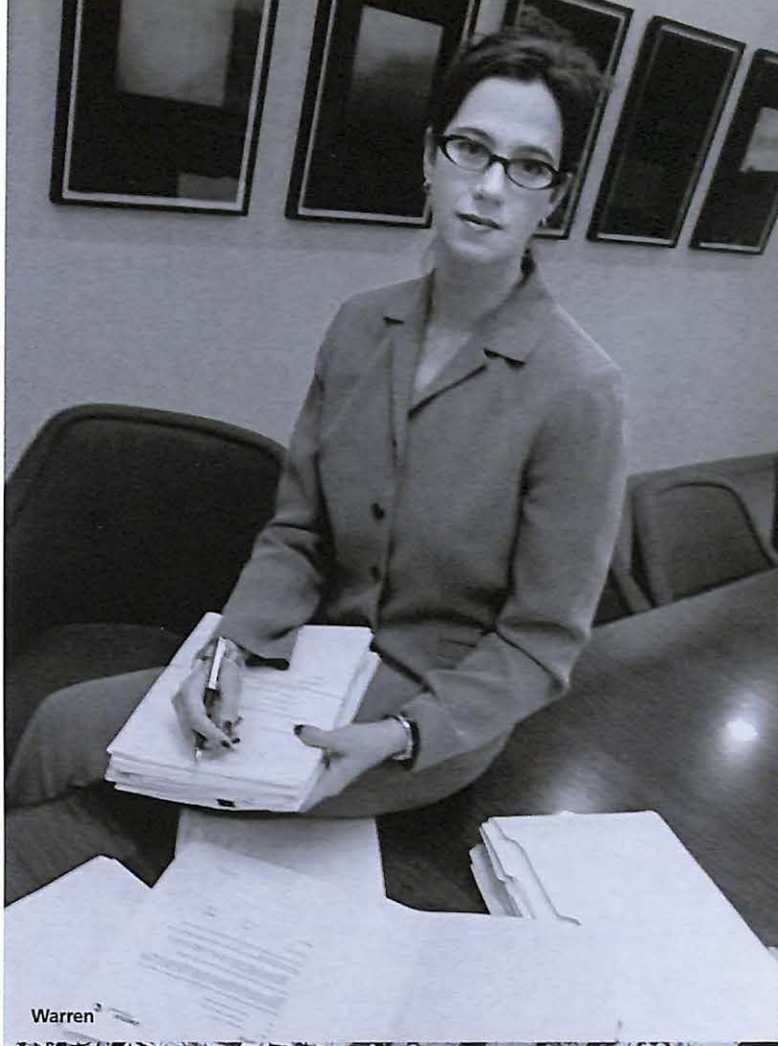
Mr. Inzerillo's first reaction was to use the experience he had gained on the police force. Cadwalader, located only a few blocks from the World Trade Center, became a refuge amidst the dust and debris that had turned day into night when the Towers crumbled. Mr. Inzerillo spent the better part of the morning shuttling back and forth between the firm's headquarters at 100 Maiden Lane and its building at 125 Maiden Lane. He calmed people, reducing their fears, and just generally tried to keep order.

"I don't remember most of it. I was just working on autopilot," explains Mr. Inzerillo. "As a cop, you are taught how to keep your cool while others around you are panicking. So, that's what I did."

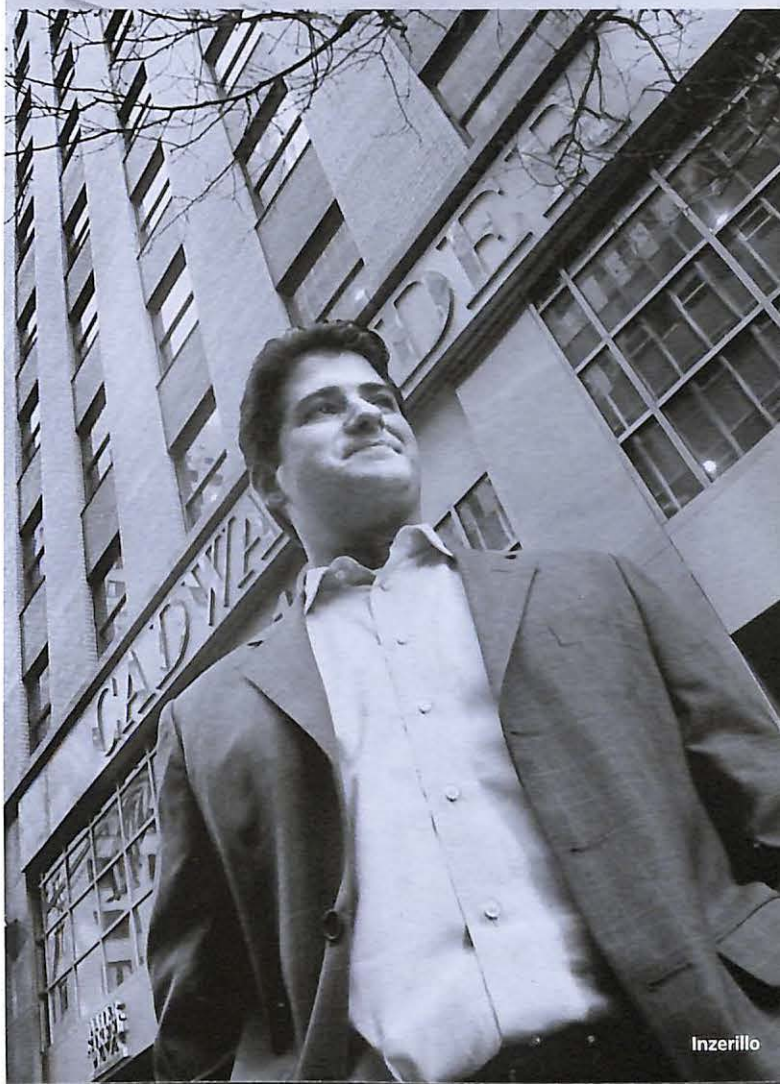
Although he had seen his share of tragedies as a police officer and was actually on the 23rd floor of the World Financial Center during the 1993 World Trade Center bombings, this experience greatly affected him and made him want to do more. A few days later he got Cadwalader to "adopt" Ladder 11, Engine 28 Firehouse, which lost six firefighters on September 11. The firm offered their families free legal services and invited their children to Cadwalader's children's holiday party. Mr. Inzerillo met with families to assess their legal needs and help them review benefits for which they are eligible. He also assisted them with issues such as probate and taxes. In addition, he did hours of research compiling information that became part of a handbook of public and private assistance resources for the victims and families of the World Trade Center attack.

While Mr. Inzerillo was able to return to his home in Queens in the late afternoon on September 11, his former classmate, **Sarah F. Warren '01,** couldn't return home for weeks after the attacks.

Ms. Warren moved to Battery Park City in August of last year to be close to her job as a litigation associate at Fried Frank Harris Shriver & Jacobson at One New York Plaza. That bright and warm Tuesday morning, Ms. Warren was in her pajamas editing an article for *Cardozo Arts and Entertainment Law Journal.* Around 8:45 a.m. she heard a noise that she says sounded like an oil barge crashing. Soon after, from her 23rd floor apartment, which overlooks the water, Ms. Warren saw the second plane stream right past her window. Her entire building shook.



Warren



Inzerillo

From her balcony she could see one of the Towers on fire and could almost feel the flames. Panic stricken, she quickly packed a small bag and headed to a nearby parking garage where her friend's car was parked. On her way to the car, she saw the unimaginable—people jumping from the buildings to escape the flames. As Ms. Warren and her friends prepared to drive out of New York, the first Tower collapsed.

Ms. Warren was not allowed back into her apartment for three-and-a-half weeks, except to rescue her cat. "I could not sleep or eat for weeks," says Ms. Warren, who was haunted nonstop by what she had seen prior to her escape.

When she received a memo that was sent to all Fried Frank lawyers asking for volunteers to help families with estate matters, Ms. Warren had reservations about responding. "I didn't know if I could handle it emotionally after what I had gone through," she says. But after attending a training session, Ms. Warren became one of the first associates to "adopt" a family—a mother of three who had lost her husband.

Ms. Warren soon became this widow's right-hand person, helping to obtain a death certificate, establish trust funds, settle life insurance policies, roll over accounts, and research and apply for charitable funds. And her reservations quickly melted away as her own ordeal transformed her into an effective counsel to the family.

"Seeing people with more dire circumstances than my own puts things into perspective," she says. "When the work required me to be composed and strong for someone else, I realized I could do it. I learned that I was stronger than I thought I was."

In no time, Ms. Warren became the in-house expert at Fried Frank, assisting other associates with questions about charitable funds and basic trust and estate matters. "Our goal here was to alleviate the families' burdens so they can spend their time grieving and healing," she explains.

Donald Scherer '93 and his pregnant wife also found themselves homeless in the aftermath of the World Trade Center disaster. Forced out of their home in Battery Park City, the Scherers repeatedly called city officials and politicians to find out what was happening to their home and when they could safely move back in. But the answers were not forthcoming; their calls were rarely returned.

Mr. Scherer, who is the CEO of Crossborder Solutions, a software company he cofounded with his mother and sister, Stephanie Scherer '94, was not used to being ignored.

Scherer

So one night, he posted a message on a Battery Park City Internet chat board asking if anyone would be interested in forming a residents' association. Within minutes, hundreds of people responded with great interest.

Mr. Scherer formed the Battery Park City Residents' Association and became its first president. The Association's meetings attracted not only hundreds of angry residents but the media as well. Soon his phone calls were being returned and the politicians and government officials paid attention. Progress included a shuttle bus system, negotiations for lease-breakers, and streamlined identification of residents.

While **Andrew D. Lefft '01** was not involuntarily caught up in the day's events, he chose to put himself right into the middle of the fray. This former emergency medical technician hitched rides on an ambulance and a fire truck to go from the Queens Supreme Court, where he was practicing that morning, to Manhattan.

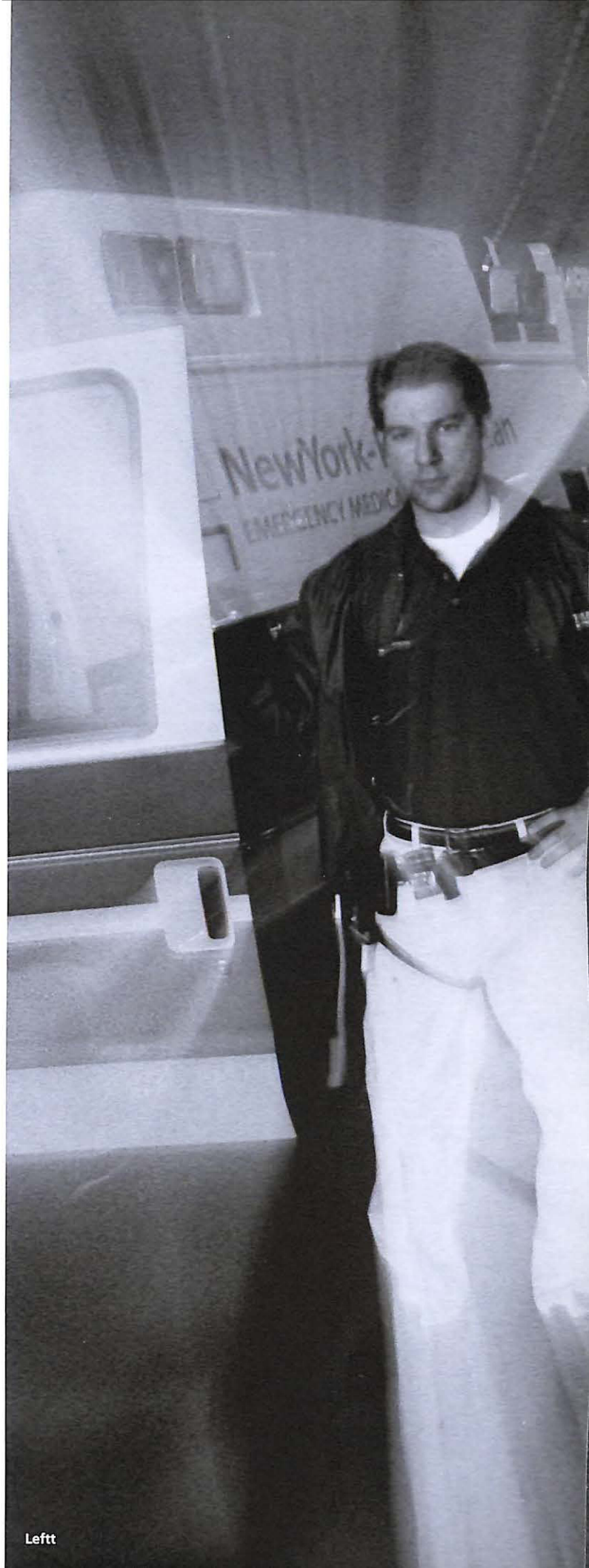
This brand new plaintiffs' associate at David Horowitz P.C. in Manhattan headed to New York Presbyterian Hospital, where he once worked as an EMT. He grabbed some gear, a partner, and an ambulance and headed downtown. Forced to get off at Vesey Street, he walked the rest of the way until he came upon an abandoned ambulance with shattered windows. Its crew members, he later learned, had died. The ambulance started, so he drove further south, arriving within one block of the World Trade Center. There Mr. Lefft and his partner picked up people randomly—firemen, a father with a baby, and others who suffered mostly minor eye injuries, cuts, and bruises. After driving them to a makeshift hospital at City Hall, Mr. Lefft was not permitted back to Ground Zero.

He returned to the hospital and spent the rest of the day waiting in vain for rescued victims to arrive. The next morning, he went to work at his law firm, and returned to Ground Zero every night that week. Mr. Lefft helped volunteers dig through the rubble in search of survivors and treated the injuries of those working at the site.

Mr. Lefft admits that it's been difficult since September 11. Those lost include four EMTs from his station and others that he knew. He has attended many funerals.

"It has made me and everyone I know feel less immortal than we once did," says Mr. Lefft. "If I did not start as a lawyer and was still with EMS, I might have been dead."

But this has not lessened his resolve to help. "I went into emergency mode and relied on my training," he says. "We hope that the training and experience keeps us safe. But even if it didn't, we would do it anyway." ■



Lefft